

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include changes to Figs. 1 and 2. These sheets replace the original sheets including Figs. 1 and 2, and in which the drawing amendments effect the following changes:

Figs. 1 and 2 are amended to include description text labels, as required by the Examiner. No new matter is added.

REMARKS

Claims 9-18 are now pending in this application. Claims 9-16 are rejected. Claims 9, 10 and 13-15 are amended herein to address matters of form unrelated to substantive patentability issues. New claims 17-18 are added.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims and objection cited in the above-referenced Office Action.

Claims 14 and 15 are objected to for noted informalities. The claims are amended in consideration of these formalities. Withdrawal of the objection is earnestly solicited.

The drawings are objected to for failing to contain description text labels. A replacement drawing sheet, in which the figures are amended to include description text labels for the schematic and block representations, is submitted herewith. No new matter is added. Withdrawal of the objection is respectfully requested.

Claims 9-16 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. The claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 9-16 and their allowance are earnestly requested.

Claims 9-16 are rejected as obvious over Miele et al. (US 6,247,812) in view of Matsugu et al. (US 5,625,408) under 35 U.S.C. § 103(a). The applicants herein

respectfully traverse this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

The rejected claims recite a method which compares biologic structural fundus image data optically obtained from a patient to existing fundus image patterns of known diseases. In stark contrast, the cited Meihle et al. reference instead obtains two different types of data from the same patient, i.e., the fundus data (biological structure data) of the patient with optical sensitivity data of the same patient (see, for example, the abstract of Miehle), in order to evaluate eye disease by correlation of these two different types of data from the single patient. Meile et al. therefore fails to teach that image data obtained from a patient yet to be diagnosed is compared to existing image data already known to be representative of a particular disease or diseases.

The secondary Matsugu et al. reference merely pertains to orientation of two cameras for yielding reproduced stereoscopic images, and therefore fails to adequately supplement the entirely dissimilar disclosure of Miehle et al. as compared to the claimed invention.

As such, the proffered combination of references fails to disclose each and every feature of the claimed invention, as required for properly establishing a *prima facie* case of obviousness.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejection of the claims 9-16 and their allowance are respectfully requested.

It is respectfully submitted that none of the claim amendments substantively affects the subject matter of the claims considered by the Examiner in the aforesaid rejections and hence cannot be grounds for further rejections warranting a final Office Action.

Claims 17 and 18 are added and are submitted as patentable over the cited art of record. Independent claim 17 recites subject matter directed to comparing at least one image with existing image data which are characteristic for at least one disease to determine, with a degree of certitude, whether the images are classifiable as indicating at least one of said at least one disease, and positionally controlling at least one of the at least one of the camera and the illumination unit optimally for further evaluating quality of the images and degree of certitude of classification of the images as indicating the at least one disease, which, among other features recited therein, is not believed disclosed in the cited art in the manner as claimed. Dependent claim 18 is patentable based on the subject matter recited therein in addition to the subject matter of claim 17.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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enc.: Replacement sheet of Figs. 1 and 2